

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2012 JUL 5 PM 3 45

IN THE UNITED STATES DISTRICT COURT

STEPHEN M. DAVIS, CLERK
CHEYENNE

FOR THE DISTRICT OF WYOMING

CATHY LANCE,

Plaintiff,

vs.

Case No. 11-CV-359-F

ROCK L. EDMONDS ATTORNEY AT
LAW; ROCKY L. EDMONDS,
individually, COLLECTION LAW
CENTER, P.C., GERALD K. RUSSELL,
President, GERALD K. RUSSELL,
individually, and DOES 1-10,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court on its own notice. Plaintiff filed the original Complaint in this matter on November 21, 2011. On December 30, 2011, Plaintiff filed a motion for entry of default against all Defendants for failure to respond. In response, Defendants argued that Plaintiff failed to properly serve the Defendants and therefore the Court lacked jurisdiction to enter default against the Defendants.

On July 9, 2012, the Court denied Plaintiff's motion for entry of default. The Court

noted that Plaintiff improperly attempted to serve Defendants by certified mail. Subsequently, Plaintiff attempted to serve various Defendants again by certified mail. *See* ECF Nos. 6 and 7. Additionally, Plaintiff attempted to serve numerous individuals at Collection Law Center. ECF No. 8-9. The only Defendant that answered Plaintiff's Complaint is Collection Law Center PC.

After reviewing the numerous summons submitted by Plaintiff, it appears Plaintiff may have failed to properly serve the remaining Defendants in accordance with Fed. R. Civ. P. 4(e). Furthermore, it also appears as though Plaintiff's time limit for service of the remaining Defendants has expired.


If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

See Fed. R. Civ. P. 4(m).

The Court already indicated that Plaintiff failed to properly serve Defendants once. *See* ECF No. 5. After reviewing the numerous summons filed by Plaintiff, it appears Plaintiff may have improperly served numerous Defendants a second time. Thus, the Court is issuing this Order to Show Cause why Defendants Rocky L. Edmonds and Gerald K. Russell should not be dismissed in accordance with Fed. R. Civ. P. 4(m).

IT IS ORDERED that Plaintiff shall show cause why Defendants Rocky L. Edmonds and Gerald K. Edmonds should not be dismissed by July 20, 2012. If Plaintiff fails to show cause why these Defendants should not be dismissed, the Court will dismiss Defendants Rocky L. Edmonds and Gerald K. Edmonds without prejudice.

Dated this 5 day of July, 2012.


NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE